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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,543	11/30/2001	Rae K. Burns	50277-1774	1004

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HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1089

EXAMINER
WONG, LESLIE

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/006,543	BURNS ET AL.
		Examiner	Art Unit	
		Leslie Wong	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11/30/2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Declarations under 37 CFR 1.131

1.   Applicants submitted the declarations under 37 CFR 1.131 to swear behind the

Ayi reference. However, the declarations are not sufficient to overcome the Ayi

reference for the following reasons:

2.   The evidence submitted is insufficient to establish a reduction to practice of the

invention from a date prior to the date of reduction to practice of the Ayi reference to

either a constructive reduction to practice or an actual reduction to practice. A general

allegation that the invention was completed prior to the date of the reference is not

sufficient. Ex parte Saunders, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883).

Similarly, a declaration by the inventors to the effect that their invention was conceived

or reduced to practice prior to the reference date, without a statement of facts

demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

See also MPEP § 715.07.

3.   The affidavit or declaration and exhibits must clearly explain which facts or data

applicant is relying on to show completion of his or her invention prior to the particular

date. Vague and general statements in broad terms about what the exhibits describe

along with a general assertion that the exhibits describe a reduction to practice

"amounts essentially to mere pleading, unsupported by proof or a showing of facts" and,

thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d

713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits

pointing out exactly what facts are established and relied on by applicant. 505 F.2d at

.718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA

1964) (Affidavit "asserts that facts exist but does not tell what they are or when they

occurred."). See MPEP §715.07.

4.   For example, in the independent claim 1, limitations "*receiving, within a database

management system... ", "determining which policies..." and "for each operation in the

operation set..." correspond to which part(s) of the applicants' Exhibits. Similar

comments from the above also apply to claims 6, 21, and 26.

5.   Applicants are requested to specifically point out or map particular portions of the

Exhibit and dates that correspond to specific limitations of the claims in the Applicant

submitted Declaration Under 37 C.F.R. § 1.131.

6.   Accordingly, Applicants have not established prior invention. The rejection is

maintained.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claims 1-5 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayi et al. (hereinafter "Ayi", Pub. No.: US 2002/0143735) in view of Hart (5,787,428).

As per claim 1, Ayi teaches a method for managing access to data in a database subject to a plurality of label-based security policies, the method comprising the steps of:

receiving, within a database management system, a request for performing an operation set of one or more operations on data in a table of the database (Ayi, page 1, [0006] - [0008]);

determining which policies, of the plurality of label-based policies, apply to the table based on a policy set of one or more policies associated with the table(Ayi, page 1; [0006] [0008]).

Ayi discloses determining whether to perform an operation/access on a dataset based on the label associated with the dataset (Ayi, page 1, [0006]).

Ayi does not explicitly disclose whether to perform the operation on a row, of the table. Hart teaches determining whether to perform the operation on a row of the table based on a set of labels associated with the row (Hart, Fig. 4-8, col. 6, lines 5-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the access control system of Ayi by incorporating determining whether to perform the operation on a row of the table based on a set of labels associated with the row as disclosed by Hart (Hart, Fig. 4-8, col. 6, lines 5-19). The motivation being to provide different security level and access management for different rows in the table.

As per claim 2, Ayi and Hart teach all the claimed subject matters as discussed in claim 1, and further teach adding a policy column to the table for each policy in the policy set associated with the table (Hart, Fig. 4).

As per claim 3, Ayi and Hart teach all the claimed subject matters as discussed in claim 2, and further teach storing a label, of the set of labels associated with the row, in a corresponding policy column of the row (Hart, Fig. 4).

As per claim 4, Ayi and Hart teach all the claimed subject matters as discussed in claim 2, and further teach said step of determining which policies apply further comprising the step of determining whether a column is a policy column (Hart, Fig. 4-8, col. 6, lines 5-19).

As per claim 5, Ayi and Hart teach all the claimed subject matters as discussed in claim 1, and further teach the policy set associated with the table includes two or more policies of the plurality of label-based policies (Ayi, page 1, [0006]-[0008], Hart, Fig. 4-8).

Claims 21-25 are rejected on grounds corresponding to the reasons given above for claims 1-5.

9.   Claims 6-20 and 26-40 are rejected under 35 U.S.C. l03(a) as being unpatentable over Hayman et al. (hereinafter "Hayman", 5,859,966) in view of Ayi et al. (hereinafter "Ayi", Pub. No.: US 2002/0143735 A1).

As per claim 6, Hayman discloses a method for managing access to data in on a policy set of one or more label-based security policies, the method comprising the steps of:

registering one or more packages of routines, wherein each package of said one or more packages implements a security model that supports a model set of one or more policies of the policy set and said each package includes an access mediation

routine (Hayman, col. 8, line 67 col. 9, line 14, col. 9, line 56 - col. 10, line 4, Hayman

teaches incorporate and installation security software which inherently includes

registering one or more package of routines, furthermore, applicant admits that

registering one or more packages of routines are well known in the art, please see

specification, page 17, 2nd to last line - page 18, line 2);

associating a first policy of a first model set in a first package with an object

(Hayman, col. 5, lines 18-60, Hayman teaches labels/policies are applied to each

object. Please note the labels are plural, which inherently includes a first policy, a

second policy, etc); and

invoking the access mediation routine in the first package to determining whether

to allow operation on data based on the first policy (Hayman, col. 3, line 44 - col. 4, line

50, col. 9, line 55 - col. 10, line 4).

Hayman teaches the security policy is applied to an object, however, Hayman

does not explicitly disclose the object is a first table within the database system. Ayi

teaches applies labels to tables in the database system (Ayi, page 1, [0006]-[0008]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the security system of Hayman by applying the

labels/policies to tables in the database system as disclosed by Ayi. The motivation

being to control access to the data in a table of the database system.

As per claim 7, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach forming said each package of said one or more packages so that the access mediation routine conforms to a specified interface for enforcing a policy in the database management system (Hayman, con. 9, lines 1-13).

As per claim 8, Hayman and Ayi teach all the claimed subject matters as discussed in claim 7, and further teach said each package further comprising including one or more administrative routines for defining a policy for the model set (Hayman, con. 9, line 55 - con. 10, line 4).

As per claim 9, Hayman and Ayi teach all the claimed subject matters as discussed in claim 8, and further teach one or more administrative routines for defining a policy further comprising including one or more administrative routines for defining a name for a particular policy; labels for the particular policy; descriptions for the labels; and properties for the labels (Hayman, con. 5, lines 18-60).

As per claim 10, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach invoking an administrative routine of the first package for defining the first policy (Hayman, con. 5, lines 18-60).

As per claim 11, Hayman and Ayi teach all the claimed subject matters as discussed in claim 10, and further teach invoking the administrative routine of the first

package further comprising providing to the administrative routine of the first package a plurality of parameters including a policy name for the first policy and a plurality of label names for labels of the first policy (Hayman, col. 5, lines 18-60, col. 6, lines 45-67).

As per claim 12, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach in response to attempts to operate on data in a row in the table, the step of determining that the first policy applies to the table (Hayman, col. 5, lines 25-39, Ayi, page 1, [0006]-[00081).

As per claim 13, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach associating a second policy of a second model set in a second package with a second table within the database system; and invoking the access mediation routine in the second package for determining whether to allow operation on data in the second table based on the second policy (Ayi, page 1, [0006]-[0008]).

As per claim 14, Hayman and Ayi teach all the claimed subject matters as discussed in claim 13, and further teach the second model in the second package is the same as the first model in the first package (Hayman, col. 5, lines 25-60, Ayi, page 1, [0006]-[0008]).

As per claim 15, Hayman and Ayi teach all the claimed subject matters as discussed in claim 13, and further teach the second model in the second package is different from the first model in the first package (Hayman, col. 5, lines 25-60, Ayi, page 1, [0006]-[0008]).

As per claim 16, Hayman and Ayi teach all the claimed subject matters as discussed in claim 13, and further teaches the second table is the same as the first table (Hayman, col. 5, lines 25-60, Ayi, page 1., [0006]-[0008]).

As per claim 17, Hayman and Ayi teach all the claimed subject matters as discussed in claim 13, and further teach the second table is different from the first table (Hayman, Col. 5, lines 25-60, Ayi, page 1, [0006]-[0008]).

As per claim 18, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach invoking the access mediation routine in the first package further, comprising providing data indicating the first policy to the access mediation routine (Hayman, Col. 9, line 55 - Col 10, line 4).

As per claim 19, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach the method further comprises the step of determining a set of allowed labels for the first policy for a user of the database management system; said step of invoking the access mediation routine is performed

during said step of determining the set of allowed labels; and the user is allowed to

operate on the data according to the first policy if the data is associated with a label for

the first policy and the label is included in the set of allowed labels for the first policy

(Hayman, Col. 5, lines 25-60, col. 9, line 55 - Col. 10, line 4).

As per claim 20, Hayman and Ayi teach all the claimed subject matters as

discussed in claim 19, and further teach storing the set of allowed labels in a session

cache for a communication session between the database management system and the

user (Hayman, Col. 8, lines 54-67, Ayi, page 1, [0006]-[0008]).

Claims 26-40 are rejected on grounds corresponding to the reasons given above

for claims 6-20.

Response to Arguments

10.   Applicant's arguments filed 09/18/2006 have been fully considered but they are

not persuasive.

Applicants argue, on page 2 of the Response: "An Exhibit need not support all

claimed limitations", provided any missing limitation is supported by the declaration itself

MPEP § 715.07.

In response to the preceding arguments, Examiner respectfully submits that

since applicants' did not provide the **missing limitations in the <u>Declaration</u>** (e.g.,

Applicants correlated the missing limitations on page 3, paragraph 2, in the response

and not the Declaration) as specified in the above MPEP section. It has been decided

that the declarations are not sufficient to overcome the Ayi reference as the missing

limitations are not correlated in the Declaration itself.

On page 3 of Applicants' arguments, Applicants states that test script file and test

script log files do not show the actual code that performs recited steps. For example, _it_

is difficult to show the step of "determining which policies..." and the step of

"determining whether to perform the operation".

The above statement raises a question as to whether or not the Applicants

actually possess the code of the claimed invention. Clarification is requested.

On page 5 of applicants' arguments, applicants allege that the examiner is "not

competent" in the legal sense to make determinations about reductions to practice.

Applicant's rationale is that the examiner is a "non-expert witness" operating in a court

of law and thus cannot render scientific, technical, or other specialized opinions.

These arguments are entirely incorrect. The US Patent and Trademark Office is

not a court of law. The procedures for examination of patent applications are outlined in

the Manual Patent Examination Practice (MPEP) not the Federal Rules of Evidence

used in Federal Courts.

The authority to examine patent applications is granted to the Director of the

Patent and Trademark Office (35 USC 131) who in turn delegates the examination of

specific patent applications to patent examiners. MPEP 706 specifically states:

"The examiner then reviews all the evidence, including arguments and evidence

responsive to any rejection, before issuing the next office action."

Applicant's assertion that the examiner is not allowed, not permitted, or not

qualified to examine evidence is directly contradicted by the by the requirements of

MPEP 706, as well as MPEP 707, MPEP 715 and MPEP 716.

Note particularly, MPEP 715.08:

"The question of sufficiency of or declarations under 37 CFR 1.131 should be

reviewed and decided by the Primary Examiner".

Accordingly, applicant's assertion is not correct.

Further, Applicants argue that there is no teaching or suggestion in Hayman that

the Session Monitor, or any component thereof, is associated with a table within a

database system.

In response to the preceding arguments, Examiner respectfully submits that the

Office Action dated July 17, 2006 states that "Hayman does not explicitly disclose the

object is a first table within the database system. Ayi teaches applies labels to tables in

the database system (Ayi, page 1, [0006]-[0008])."

Applicants go on to argue that the reference does not disclose that this may be

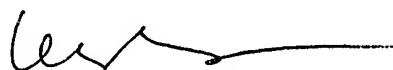registered so that it can be customized and implemented by the user.

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., "... this may be registered so that it can be customized and implemented by the

user") are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Last, Applicants argue that no where does Hayman teach or suggest in the

above cited portion that a "label" is registered with a database management system.

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., a "label" is registered with a database management system) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leslie Wong
Primary Patent Examiner
Art Unit 2164

LW
December 6, 2006